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THE CITY OF NEW YORK  
LAW DEPARTMENT

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October 21, 2013

BY FACSIMILE (212) 805-7986

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Deirdre and Kenya Myers v. City of New York, et al.  
13 Civ. 1006 (PGG)(KNF)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the office of the Corporation Counsel of the City of New York representing defendant City of New York ("City" or "defendant") in the above-referenced matter. I write in response to plaintiff's counsel Vik Pawar's belated October 18, 2013 letter application seeking a *second* extension of time. Defense counsel graciously consented to Mr. Pawar's first request for an extension of time to file his opposition papers from Monday, October 14, 2013 to Thursday, October 17, 2013 without issue. Notwithstanding the agreement between counsel, Mr. Pawar failed to timely file his opposition papers on October 17, 2013. Instead, at the very last minute and knowing of his own purported scheduling difficulties earlier last week, wrote to defense counsel on Thursday, October 17<sup>th</sup> (the due date of his opposition papers) seeking a second extension of time. Mr. Pawar could have alerted defense counsel on Monday, October 14, Tuesday, October 15, or even Wednesday, October 16 of his purported scheduling issues but instead chose to remain silent and wait until the due date of his opposition papers to seek a second extension of time. Unfortunately, it is Mr. Pawar's own delay and neglect of his clients' case that prompted defendants to move to dismiss under Fed. R. Civ. P. 12(b)(6). Defendants respectfully request that Your Honor consider defendant's motion as unopposed and permit defense counsel to file their moving papers on ECF. In the alternative, defendants request until November 11, 2013 to serve and file their reply papers since Mr. Pawar has had one additional week, *albeit* not on consent or court approval.

Respectfully submitted,

MEMO EN. DSED

Defendants will file  
their reply brief by  
November 11, 2013

SO ORDERED:

*Paul G. Gardephe*

Paul G. Gardephe, U.S.D.J.

October 21, 2013

cc: Vik Pawar, Esq. (via fax 212-571-0938)